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Twelfth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The present report is my twelfth semi-annual report on the implementation of Security Council resolution 1559 (2004). It assesses progress made in the implementation of the resolution since my previous report, dated 19 April 2010 (S/2010/193). It highlights the remaining concerns that continue to impede efforts to strengthen Lebanon's sovereignty, territorial integrity and political independence as called for in the resolution.

2. Municipal elections were held in the country throughout the month of May. They took place in a generally calm and peaceful atmosphere, despite minor security incidents.

3. On 31 July, the President, Michel Sleiman, hosted a joint summit in Beirut with the King of Saudi Arabia and the President of the Syrian Arab Republic. The Emir of Qatar paid an official visit to Lebanon from 31 July to 2 August, which included a tour of villages in the southern part of the country. Those visits signalled a strong Arab commitment to the maintenance of stability in Lebanon, in the context of increased domestic tension generated by speculation, rumours and allegations regarding potential indictments by the Special Tribunal for Lebanon. Against that background, there have recently been some public exchanges of sharp statements between Lebanese leaders, which have worsened the political climate.

4. On 13 and 14 October, the President of the Islamic Republic of Iran conducted an official visit to Lebanon, including a tour of villages in the south, during which he expressed strong support for Hizbullah.

II. Implementation of resolution 1559 (2004)

5. I recall that, since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, several of its provisions have been implemented. Presidential and parliamentary elections were held in a free and fair manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations and have engaged in high-level talks on matters of relevance to Lebanon's sovereignty,

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political independence and territorial integrity, such as the delineation of their common border.

6. However, the delineation of the border, which was strongly encouraged by the Security Council in its resolution 1680 (2006), has not yet been carried out. In addition, the presence of Lebanese and non-Lebanese militias and a worrisome pattern of armed incidents continue to pose a threat to the stability of the country and the region, and highlight the need for the Government and the Lebanese Armed Forces to exercise a monopoly on the use of force throughout Lebanon. Therefore, more needs to be done in order to achieve the full implementation of resolution 1559 (2004) and to maintain the achievements already accomplished.

7. I took careful note that, in his address to the General Assembly at its sixty-fifth session, President Sleiman affirmed that Lebanon was striving to maintain internal stability through dialogue, by completing the implementation of the Taif Accord and resorting to legal institutions to resolve any dispute, and through its commitment to the resolutions of the Security Council.

8. During the reporting period, I remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international leaders. I received the Prime Minister, Saad Hariri, during his visit to United Nations Headquarters on 25 May 2010. I met with President Sleiman in New York on 24 September on the margins of the General Assembly. On those occasions, I expressed the full support of the United Nations for the sovereignty, independence and territorial integrity of Lebanon, without foreign interference. I also urged my interlocutors to make progress towards the full implementation of resolution 1559 (2004) and all other resolutions pertaining to Lebanon, in the interest of the stability and prosperity of the country.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

9. Resolution 1559 (2004) is aimed at strengthening the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of its Government, consistent with the Taif Accord of 1989, to which all the political parties in Lebanon have committed themselves, and to which the Security Council has given its support in numerous presidential statements since then.

10. I have maintained my efforts to encourage the Syrian Arab Republic and Lebanon to achieve the full delineation of their common border, which is the key to a number of explicit operational requirements set out in resolution 1680 (2006) and derived from resolution 1559 (2004). The delineation and demarcation of Lebanon's boundaries are a critical element in guaranteeing the country's territorial integrity and allowing for proper border control. Given the improvement in Lebanese-Syrian relations, there appears to be a renewed consensus regarding the need for the two countries to take concrete measures in that regard. However, despite concrete steps by Lebanon and numerous pledges by the Syrian Arab Republic, no tangible progress has been made. While acknowledging that border delineation is a bilateral issue, the Security Council, in resolution 1680 (2006) strongly encouraged the two countries to delineate their common border as a significant step towards affirming Lebanon's sovereignty and territorial integrity.

11. The continued occupation by the Israel Defense Forces of the northern part of the village of Ghajar and an adjacent area north of the Blue Line stands in violation of Lebanon's sovereignty, resolution 1701 (2006) and other relevant Security Council resolutions. I raised this matter repeatedly with Israeli officials during the reporting period. I will report in greater detail on this important matter in my upcoming report to the Security Council on the implementation of resolution 1701 (2006). Furthermore, diplomatic efforts relating to the issue of the Shab'a farms area have not yielded any results.

12. During the reporting period, intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued on an almost daily basis, constituting violations of Lebanese sovereignty and of resolutions 1559 (2004) and 1701 (2006) and raising tension. The Government of Lebanon has repeatedly protested those violations. I have discussed the matter on numerous occasions with the Israeli authorities at the highest level, who in turn have claimed that the overflights are carried out for security reasons, citing alleged breaches of the arms embargo enforced pursuant to resolution 1701 (2006).

13. The Government of Lebanon sent to me and to the President of the Security Council a letter (S/2010/460, annex) regarding alleged Israeli espionage networks in the country, asserting that they constituted a blatant aggression against Lebanon and a flagrant violation of its sovereignty. Lebanese security agencies have continued their investigations into the networks. Several new individuals were arrested during the reporting period. Some have already been convicted in court.

B. Extension of Government control over all Lebanese territory

14. The Government of Lebanon has reaffirmed to the United Nations its intention to extend the State's authority over all Lebanese territory, so that it is eventually the sole armed force in the country, as called for in resolution 1559 (2004). To that end, the Lebanese Armed Forces and the Internal Security Forces play a crucial role in strengthening Lebanon's sovereignty and control over the entire country, although they have continued to face several challenges.

15. I am concerned by an increased number of security incidents involving the use of heavy weapons in populated areas during the reporting period. The most serious such incident occurred on 24 August 2010, when supporters of Hizbullah and Al-Ahbash clashed in the Burj Abi Haidar neighbourhood of West Beirut. Rocket-propelled grenades and machine guns were used in the fighting. Three deaths were reported in street battles, which rapidly spread to the surrounding areas. Those occurrences confirmed the possession of lethal weapons by non-State actors in populated areas. They also demonstrated a complete disregard on the part of armed groups for the safety of Lebanon's civilian population and for Lebanese law. Following the 24 August incident, Prime Minister Hariri called for the capital to become an area free of weapons. Members of Hizbullah expressed reservations about the initiative. Meanwhile, the Lebanese Cabinet announced the reinforcement of the presence of the Lebanese Armed Forces and the Internal Security Forces in Beirut.

16. Over the past six months, security sources in Lebanon have reported several shootings and explosions in and around paramilitary facilities in the eastern Beka'a Valley belonging to the Popular Front for the Liberation of Palestine-General

Command (PFLP-GC) and Fatah al-Intifadah. The permanent presence of such facilities alongside the Syrian-Lebanese border adds to the general porosity of parts of the land border and poses a challenge for the control of the border by the Lebanese Security Forces. It also makes border delineation more difficult.

17. As I have reported elsewhere to the Security Council in greater detail, in several incidents during the reporting period, UNIFIL was denied freedom of movement within its area of operations. Some of those incidents were serious and seemed to be organized in nature. In that respect, I welcome the statement made by the Council of Ministers last July in which it announced its decision to reinforce the presence of the Lebanese Armed Forces in southern Lebanon, as well as the subsequent action taken in that regard.

18. Given these concerns and the continued existence and activities of militias in Lebanon, improving the management and control of Lebanon's land borders is critical if the flow of weapons to armed groups is to be prevented. Several Member States have expressed concern over the illegal transfer of weapons across the land borders. Government officials in Lebanon acknowledge the porous nature of the border and the possibility that arms smuggling is occurring. I take this information seriously, but the United Nations does not have the means to verify it independently. I have raised the matter with Lebanese officials and several regional leaders, and have requested their assistance in this regard. All States must take the measures necessary to prevent the transfer of arms to groups outside the control of the Government of Lebanon. This is a factor key to stability in Lebanon and the region.

19. In that context, the Lebanese authorities reaffirmed to me their commitment to improving the monitoring of land borders to prevent the unauthorized flow of weapons, munitions and personnel into the country. The work of the Common Border Force is commendable. Yet, current efforts need to be increased and to become more systematic, in line with the recommendations set out in the reports of the Lebanon Independent Border Assessment Team. Moreover, the effective management of the border obviously requires the cooperation of neighbouring countries and the delineation of Lebanon's boundaries.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

20. In resolution 1559 (2004), the Security Council calls for the disbanding and disarming of all Lebanese and non-Lebanese militias, which merely reflects and reaffirms a decision to which all Lebanese committed themselves under the Taif Accord in 1989, in the aftermath of the civil war. At the time, this understanding led Lebanese militias, with the exception of Hizbullah, to give up their weapons.

21. Regrettably, Lebanese and non-Lebanese militias continue to operate in the country outside the Government's control, in serious violation of resolution 1559 (2004). While several groups across the political spectrum in Lebanon possess weapons outside Government control — as recent security incidents have demonstrated — the armed component of Hizbullah remains the most significant and most heavily armed Lebanese militia in the country. In addition, a series of Palestinian armed groups are operating in the country within and outside the refugee camps.

22. During the reporting period, there was no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in the Taif Accord and resolution 1559 (2004).

23. Indeed, despite the provisions of the resolution, Hizbullah maintains a substantial paramilitary capacity that remains distinct from and may exceed the capabilities of the Lebanese Armed Forces. In addition, the United Nations has continued to receive, on a regular basis, reports that Hizbullah is upgrading and expanding its arsenal and military capabilities. In several public pronouncements during the reporting period, senior officials of Hizbullah neither denied nor confirmed that arms transfers were taking place, but acknowledged that a considerable arsenal that included strategic capabilities was being maintained. The group considers silence on the specifics of its military capabilities to be an integral part of its strategy of deterrence. The United Nations is not in a position to verify independently the assertions that are made, but takes them very seriously.

24. Hizbullah's maintenance of a substantial arsenal outside Government control has continued to be a central issue in the public debate. It remains my firm conviction that the disarmament of Hizbullah and other militias can best be achieved through a Lebanese-led political process. So far, this political process has taken the form of the Lebanese National Dialogue, bringing together Lebanon's main political leaders.

25. Since its reconvening after the May 2008 events, the National Dialogue, chaired by President Sleiman, has helped to preserve stability in the country and to contain public rhetoric. With a view to addressing the question of weapons outside Government control, participants in the forum were requested to present their positions on the national defence strategy and to seek, through a committee of experts, commonalities among the proposals presented by participants. To date, not all participants have nominated members to represent them on the committee, which, regrettably, is not convened on a regular basis.

26. During the reporting period, the National Dialogue was convened by President Sleiman on two occasions: on 17 June and 19 August 2010. Discussions at the most recent session reflected once again both the centrality of the issue of Hizbullah's weapons with regard to the development of a national strategy and the strong opposition to discussing this issue on the part of Hizbullah and its political allies. As a result of those discussions, the participants agreed, inter alia: (a) to continue to study the national defence strategy; (b) to confirm the importance of a national consensus, the consolidation of political and security stability and commitment to the decisions approved at the National Dialogue, particularly those related to illegal Palestinian weapons outside the camps; and (c) to pursue the national campaign aimed at ensuring the right of return of Palestinian refugees and rejecting their naturalization. It was agreed that the National Dialogue would be reconvened on 4 November.

27. With respect to the situation of Palestinians in Lebanon, I am pleased to report that the leadership of the Palestine Liberation Organization has reiterated, both to me and publicly, its appeal to the Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon, as well as Lebanese law and security requirements.

28. While the situation in most of the 12 Palestinian refugee camps remains relatively stable, the threat that internal violence could spill over into surrounding areas still exists in a number of camps. Some of the camps continue to provide safe haven for those who seek to escape the authority of the State. During the reporting period, security sources registered several incidents in and around refugee camps involving the use of weapons.

29. Notwithstanding those incidents, closer cooperation between Palestinian camp authorities and Lebanese authorities has improved camp security. Meanwhile, Lebanese authorities do not maintain a permanent presence inside the camps, despite the fact that the Cairo agreement of 1969, which permitted the presence of Palestinian armed forces in the refugee camps, was annulled by the Lebanese Parliament in 1987. More will need to be done to contain potential tension in the camps.

30. The situation of Palestinian refugees living in Lebanon remains, by and large, dire. For many years, the United Nations has urged the Government to improve the conditions in which Palestinian refugees live in Lebanon, without prejudice to the eventual resolution of the Palestinian refugee question in the context of a comprehensive peace agreement in the region, in particular given the detrimental effects of dismal living conditions on the wider security situation. Prime Minister Hariri has reassured me that his Government remains committed to addressing the social and economic conditions of Palestinian refugees.

31. In a significant effort to improve the situation of Palestinian refugees, Lebanon's Parliament adopted, on 17 August 2010, amendments to the Labour Code and the Social Security Law that lifted restrictions on work for Palestinian refugees in the country, based on a draft proposal originally introduced by Member of Parliament Walid Jumblatt in June 2010. The new legislation will facilitate, inter alia, the process by which Lebanese employers hire Palestinian refugees. It will also extend a number of legal protections to Palestinian employees.

III. Observations

32. The functioning of the Government of national unity in Lebanon has been the best guarantee that calm will be maintained and dialogue promoted in the country, pursuant to the commitments undertaken by all Lebanese leaders in Doha in May 2008. I am very concerned by the recent increase in political tensions in the country, as manifested by, inter alia, acrimonious statements and acts of defiance. Lebanon is currently experiencing a domestic climate of uncertainty and fragility. It is therefore imperative that the spirit of entente and respect for the principles of security prevail. The country's political leaders must focus on strengthening its sovereignty and independence as well as its institutions. I urge all political leaders to transcend sectarian and individual interests and to genuinely promote the future and the interests of the nation.

33. Over the past six months, Lebanon has maintained the achievements already accomplished towards the implementation of resolution 1559 (2004). However, there has been little further tangible progress, as the remaining issues to be addressed are the thorniest.

34. The existence of militias outside the control of the Government of Lebanon constitutes a challenge to the ability of the State to exercise its full sovereignty and control over its territory. It remains a fundamental and dangerous anomaly that stands against the democratic aspirations of Lebanon and threatens domestic peace. The disbanding and disarmament of militias are of vital importance to the strengthening of Lebanon's sovereignty and political independence. I deplore the use by non-State actors of heavy weapons in populated areas, which has resulted in injuries and deaths. For that reason, I appeal to all parties, within and outside Lebanon, to immediately halt all efforts to transfer and acquire weapons and to build paramilitary capacities outside the authority of the State.

35. I am mindful that the maintenance by Hizbullah of an independent paramilitary capacity continues to be at the centre of the political debate in Lebanon and the ongoing process of post-civil-war reconciliation. Its significant military arsenal creates an atmosphere of intimidation and poses a key challenge to the safety of Lebanese civilians and to the Government's monopoly on the legitimate use of force. I call upon the leaders of Hizbullah to complete the group's transformation into a solely Lebanese political party and to disarm, consistent with the requirements set out in the Taif Accord. Regional parties that maintain close ties with Hizbullah must encourage it in the same direction.

36. I note with satisfaction that, in his address to the General Assembly a month ago, President Sleiman reaffirmed his country's commitment to the implementation of the Taif Accord. This agreement must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese.

37. The National Dialogue remains an important tool for maintaining calm and stability in the country and for addressing the critical issues of weapons outside the control of the State. Yet, the process of developing a national defence strategy faces significant obstacles of a political, rather than a technical, nature. Indeed, while the merits of this process are recognized, the overall gains of the National Dialogue have thus far remained limited.

38. I commend President Sleiman for his leadership in steering this difficult process, which has helped significantly to reduce domestic tension in Lebanon, in particular after the serious clashes of May 2008. At the same time, the National Dialogue also needs to make tangible progress on its stated objective of developing a national defence strategy. That in turn will necessitate addressing the question of arms outside the control of the State. A credible process needs to be established in this respect, with clear benchmarks against which progress can be measured, as well as greater institutional anchoring. Once again, I emphasize that the main goal of the Dialogue should clearly be to bring all arms in Lebanon under the sole control of the Government. I urge the participants in the National Dialogue to demonstrate seriousness in addressing these critical questions of sovereignty and national defence.

39. I hope that the rapprochement between Lebanon and the Syrian Arab Republic will pave the way for addressing such important pending bilateral issues as the delineation of the Lebanese-Syrian border. I welcome the renewed intention of the two Governments to move forward on this issue, which will allow for enhanced border control, and encourage them to swiftly begin the work of delineation.

40. The continued presence of PFLP-GC and Fatah al-Intifadah paramilitary infrastructures outside the refugee camps continues to be of great concern to me. I regret that my repeated encouragements to the Government of Lebanon to address this long-standing issue have not been heeded, despite the consensual agreement reached at the National Dialogue already in 2006 to do so. I urge the Government of national unity to implement the decisions previously agreed upon and reiterated in the Government's ministerial declaration of December 2009, related to provisions concerning the disarmament of Palestinian military outposts outside the refugee camps and addressing the issue of arms inside the camps. Mindful that these two militias maintain close regional ties, I renew my appeal to the Government of the Syrian Arab Republic to assist in this process.

41. I commend the Government of Lebanon and Lebanese parliamentarians for the important initial legislative steps that they have taken towards improving the living conditions of Palestinian refugees in Lebanon, without prejudice to an overall resolution of the Palestinian refugee question within the framework of a comprehensive peace agreement. I look forward to their implementation under the supervision of the Ministry of Labour and with the support of the Lebanese-Palestinian Dialogue Committee during the coming period. I hope that further steps in that direction will be taken soon, as I am convinced that addressing the difficult conditions of Palestinian refugees will have a positive impact on the coexistence of Lebanese and Palestinians, and hence on national security and stability.

42. Recent security incidents highlight the need for Lebanese security forces to do more to prevent and respond to acts of violence, and for the Government of Lebanon and all relevant political leaders to make clear that such acts will not be tolerated. While the Lebanese security forces are careful not to inflame sectarian tensions by appearing to take sides in armed clashes, they clearly have a duty to enforce Lebanese law and to protect Lebanon's civilian population from harm.

43. The Lebanese Armed Forces are playing a crucial role in strengthening Lebanon's sovereignty and control over all the country, thereby promoting stability. The Lebanese Armed Forces also represent a strong symbol of Lebanese sovereignty and unity, showing robust commitment and resolve. The multiple security responsibilities of the Forces, compounded by the fact that they still lack adequate military equipment, have an impact on their capacity to meet their obligations under relevant Security Council resolutions. I therefore call on donor countries to continue to come forward and assist the Lebanese Armed Forces in improving their logistical and operational capabilities.

44. I deplore the continued Israeli violations of Lebanon's sovereignty and territorial integrity. I call upon Israel to adhere to its obligations under relevant Security Council resolutions and withdraw from the northern part of the village of Ghajar and cease its overflights of Lebanese airspace.

45. In sum, I remain keenly aware that the combination of mistrust among the parties and the continued presence of militias could lead to tensions and possible insecurity and instability in Lebanon and beyond. The country should not be used as a staging ground for furthering regional aspirations or promoting conflict. It is therefore imperative that Lebanon preserve its comprehensive political framework of coexistence in mutual respect, as set out in the Taif Accord. I urge all the friends and neighbours of Lebanon to play a constructive role in supporting its Government

of national unity in good faith, bearing in mind all the sacrifices that Lebanon has made in order to enhance its sovereignty and political independence.

46. I therefore call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of those and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.